

# Notice of Allowability

Application No.

10/689,787

Examiner

Luke Gilligan

Applicant(s)

RADIGAN, KENNETH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/21/05.
2. ☒ The allowed claim(s) is/are 1-3, 5-10 and 38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER

***Response to Amendment***

1. In the amendment filed 11/21/05, the following has occurred: claim 1 has been amended, claims 4 and 11-37 have been canceled, and claim 38 has been added. Now, claims 1-3, 5-10, and 38 are presented for examination.
2. The rejections under 35 U.S.C. 101, 102, 103, and 112 have been withdrawn by the Examiner based on changes made by Applicant to the claims.

***Allowable Subject Matter***

3. Claims 1-3, 5-10, and 38 are allowed. The following is an examiner's statement of reasons for allowance: The primary reason for the allowance the claims 1-3, 5-10, and 38 is the inclusion of the limitation, in all the claims which is not found in the prior art references, of determining a premium of an insurance policy for decommissioning a nuclear power facility by the particular recited steps of determining a total monetary sum for a plurality of scenarios that are each based on the decommissioning starting on a different time schedule, and adjusting the monetary sum of each scenario so that they are each substantially equal. While the closest prior art (Kurland, **Risk Mitigation in the Atomic Age**) discusses several insurance providers that provide nuclear decommissioning coverage (see paragraph 35 as numbered by Examiner), it fails to disclose any particular method for determining a premium for such a policy. In addition, the article discloses estimating a cost for nuclear decommissioning that takes place on a particular date (see paragraph 27). However, there is no indication that this would be used to determine a premium for an insurance policy.
4. Additionally, Fox, U.S. Patent No. 4,766,539, teaches a method for determining a premium for an insurance policy against specified weather conditions (see column 2, lines 30-55). While this premium is determined based on predetermined time intervals in each of a

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predetermined number of years (see column 2, lines 30-36), this is only used to determine probabilities of weather conditions actually occurring. Whereas the time schedules recited in claim 1 are utilized to determine expenses that are inevitable to occur due to Nuclear Regulatory Commission requirements (see page 2, lines 7-13 of the Specification). Therefore, the claims distinguish over the teachings of Fox as well.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hickman teaches a system for providing financial assurance against unexpected weather for sellers of various types of energy.
- Roberts teaches a system for insuring liabilities of uncertain cost.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CLG  
2/2/06

  
**JOSEPH THOMAS**  
**SUPERVISORY PATENT EXAMINER**